

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

FAIRFIELD SENTRY LIMITED, et al.,

Debtors in Foreign Proceedings.

FAIRFIELD SENTRY LIMITED (IN LIQUIDATION), et al., acting by and through the Foreign Representatives thereof,

Plaintiffs,

v.

THEODOOR GGC AMSTERDAM, et al.,

Defendants,

Chapter 15 Case

Case No. 10-13164 (SMB)

Adv. Pro. No. 10-03496

Administratively Consolidated

**ORAL ARGUMENT REQUESTED**

**NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that, upon the accompanying Consolidated Memorandum of Law in Opposition to Plaintiffs' Motion for Leave to Amend and in Support of Defendants' Motion to Dismiss (the "Consolidated Motion to Dismiss Brief"), the Declarations of Thomas J. Moloney, dated January 13, 2017, Simon Mortimore, QC, dated January 13, 2017, Phillip Kite, dated January 12, 2017, and Nicolas Jeandin, dated January 11, 2017 (the "Declarations"), and the exhibits appended to the Declarations, and all prior pleadings and proceedings herein, Defendants (as set forth in Appendix A to the Consolidated Motion to Dismiss Brief) will move this Court for an order dismissing with prejudice the complaints filed by the Liquidators of Fairfield Sentry Limited, Fairfield Sigma Limited, and Fairfield Lambda Limited, pursuant to Rules 8(a), 9(b) and 12(b)(1), (2), (5), and (6) of the Federal Rules of Civil Procedure, made applicable here by Rules 7008, 7009, and 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Defendants do not consent to the entry of final orders or judgment by this Court.

Dated: New York, New York  
January 13, 2017

Respectfully submitted,

CLEARY GOTTLIEB STEEN & HAMILTON LLP

By: /s/ Thomas J. Moloney  
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*Attorneys for HSBC Institutional Trust Services (Asia) Limited, Robinson and Company, Murdoch and Company, Republic Nominees Limited (f/k/a HSBC Private Banking Nominee 1 (Jersey) Limited), HSBC Securities Services (Luxembourg) S.A., HSBC Private Bank (C.I.) Limited (f/k/a HSBC Private Bank (Guernsey) Limited), HSBC Private Bank (Suisse) S.A., HSBC Bank USA, N.A., Banco Nominees 2 (Guernsey) Limited (f/k/a Banco Nominees (IOM) Limited), HSBC Trust Company AG (f/k/a HSBC Guyerzeller Trust Company AG), HSBC Latin America Holdings (UK) Limited, HSBC International Trustee Limited, Somers Nominees (Far East) Limited, and HSBC Bank Bermuda Limited and with authority from attorneys for the Defendants in the respective adversary proceedings referenced in Appendix A to the Consolidated Motion to Dismiss Brief*

TO: All Counsel of Record